GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:3714
ANSWERED ON:05.08.2014
ARREST IN DOWRY CASES
Reddy Shri Mekapati Rajamohan

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether the Supreme Court has recently issued directions to enforce guidelines for arrests in dowry cases; and

(b) if so, the details thereof and the follow-up action taken by the Union and the S tate Governments in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI KIREN RIJIJU)

(a)&(b): Ministry of Home Affairs has recently issued an advisory on 'Measures to be taken by the States / UTs to curb the misuse of section 498A of the Indian Penal Code' on 10th July, 2014. The advisory has been issued in accordance with the Hon'ble Supreme Court of India's directions in the case of Arnesh Kumar and the State of Bihar and Anr. (Criminal Appeal no. 1277 of 2014) on misuse of section 498A of IPC. The advisory is available in the Ministry of Home Affairs website http://www.mha.nic.in/sites/upload_files/mha/files/Advisory_Sec498_140714.pdf.

In the aforesaid advisory Ministry of Home Affairs has requested the States / UTs to desist from automatic arrest in cases of section 498A of Indian Penal Code (IPC) but satisfy themselves about the necessity for arrest under section 41 of the Code of Criminal Procedure (Cr. P.C.). The States / UTs have also been requested to follow proper guidelines as enumerated by Hon'ble Court in the judgment.